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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,598	02/28/2000	Sadeg M. Faris	105-081USA000	8586

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EXAMINER
BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		**Applicant(s)**
Office Action Summary	09/514,598		FARIS ET AL.
	Examiner		**Art Unit**
	Igor Borissov		3629

-- The MAILING DATE of this c mmunication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 July 2003</u> .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>175-185 and 191</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>175-185 and 191</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 175-178 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 175-178, the following new matter was introduced into the claims: "using a first subsystem for transmitting an ITR", "using a second subsystem for responding to the ITR".

Claims 179-185 and 191 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneier et al. (US 5,970,143).

Schneier et al. teach a method and apparatus for encoding a message corresponding to an outcome of a computer game, comprising:

As per claims 179 and 182-184,

(a) registering each user as a contestant using a web browser (column 8, lines 9-11; column 23, lines 36-60);

(b) creating a globally-synchronized networked client machine through which the contestant participates in time-constrained question and answer contest (Fig. 20; column 54, lines 44-45; column 56, lines 30-33);

(c) using the contest client software on the client machine to log on to the game server (column 23, lines 36-60);

(d) transmitting the query and start-time from the primary server to the client machine (column 32, line 65 through column 33, lines 23; column 39, lines 38-53);

(e) characterizing the client machine's local clock with the master clock on the primary server (column 39, lines 52-65);

(f) presenting the query to the contestant precisely at the start-time, as determined by a local clock that is characterized with respect to a global master clock located on the primary server (column 33, lines 12-23);

(g) accepting the contestants response, attaching a time-stamp to that response, and transmitting the response and time-stamp to the servers (column 39, lines 65-67);

(h) judging the responses from all the contestants and determining the winner (column 75, lines 30-32).

As per claim 180, said method, comprising the step of determining each contestant's standing or rank for the contest (column 30, lines 63-65).

As per claim 181, said method, wherein step (a) comprises browsing a contest WWW site containing information about the contest, including advertising and ranks of other contestants (column 11, lines 9-19; column 33, lines 7-28).

As per claim 185, said method, wherein step (a) comprises:

- creating a record in the contestant database for the user upon completion receipt of the registration information (column 23, lines 36-60);

- storing the registration information in the record (column 23, lines 36-60;

column 30, line 20 through column 31, line 10);

- establishing the user as a contestant (column 23, lines 36-60; column 30, line

20 through column 31, line 10);

- assigning a contestant ID to the new contestant (column 23, lines 36-60;

column 30, line 20 through column 31, line 10);

- recording the contestant ID in the contestant database (column 23, lines 36-60;

column 30, line 20 through column 31, line 10);

- assigning the contestant a username and a temporary password (column 23,

lines 36-60; column 30, line 20 through column 31, line 10);

- sending an e-mail message containing the username and temporary password

(column 11, lines 56-58; column 23, lines 36-60; column 30, line 20 through column 31,

line 10);

- logging said contestant onto secure area of the contest website using his

username and temporary password (column 23, lines 36-60; column 30, line 20 through

column 31, line 10);

- downloading and installing the contest software from the web server to the

client machine thereby enabling the client machine for participation in a competition

(column 23, lines 36-60; column 30, line 20 through column 31, line 10);

As per claim 191, said method, comprising:

(a) human operators entering the questions and associated answers (column 23,

lines 36-60; column 30, lines 20-48);

(b) before the contest begins, the game server sending its public encryption key to the primary server (column 10, line 10 through column 12, line 18);

(c) primary server sending its public encryption key to the game server (column 10, line 10 through column 12, line 18);

(d) accessing the system through the contest management interface and selecting the queries (column 10, line 10 through column 12, line 18);

(e) assigning a desired start-time for each query (column 32, line 65 through column 33, line 29);

(f) the primary server generating a unique set of query encryption and decryption keys for each query and start-time (column 32, line 65 through column 33, line 29);

(g) the primary server encrypting the query (column 14, line 64 through column 23, line 60);

(h) the primary server creating a message containing the encrypted query and decryption key (column 14, line 64 through column 23, line 60; column 32, line 65 through column 33, line 29);

(i) encrypting the message using the game server's public encryption key (column 14, line 64 through column 23, line 60; column 32, line 65 through column 33, line 29);

(j) sending the message from the primary server to the game server (column 14, line 64 through column 23, line 60; column 32, line 65 through column 33, line 29);

(k) the game server decrypting the message and creating and encrypting a new message using the client machine's public key (column 14, line 64 through column 23, line 60; column 32, line 65 through column 33, line 29);

(l) sending the resulting message to the client machine (column 14, line 64 through column 23, line 60; column 32, line 65 through column 33, line 29);

(m) the client machine decrypting the message (column 14, line 64 through column 23, line 60; column 32, line 65 through column 33, line 29);

(n) the client machine creating and appending data to a security verification log file (column 14, line 64 through column 23, line 60; column 32, line 65 through column 33, line 29);

(o) the security verification log recording the arrival-time of the encrypted query (column 14, line 64 through column 23, line 60; column 32, line 65 through column 33, line 29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 175-178 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al. (US 6,151,643) in view of Schneier et al. (US 5,970,143).

Cheng et al. teach to a method and system for providing information for software residing on a client computer, comprising:

As per claims 175-177,

(a) using a client machine to initially connect to the contest-promoting system

(column 7, lines 5-14);

(b) using login server to choose which game server should be utilized (column 7,

line 46 through column 8, line 31; column 23, lines 1-17);

(c) using load balancing algorithms to distribute the connections to the game

servers (column 16, lines 26-36);

(d) using a first subsystem for transmitting an ITR to each of the game client

(column 7, lines 5-39);

(e) using a second subsystem for responding for each ITR presented (column 7,

lines 5-39);

wherein the plurality of the game clients are simultaneously presented with the

same set of data (column 9, lines 59-63).

However, Cheng et al. do not specifically teach that game clients' response is

time stamped.

Schneier et al. teach a method and system for encoding a message

corresponding to an outcome of a computer game, wherein game clients' responses are

time stamped (column 12, line 57 – column 13, line 5).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Cheng et al. to include that game clients' response is

time stamped, because it would allow certifying times to completion for races of skill

played on game computers which start at designated times, either in connection with a

given tournament or independent thereof, as specifically stated in Schneier et al.
(column 5, lines 25-34).

As per claim 178, Cheng et al. teach said method and system wherein the login
server accesses the contestant database to check passwords and the status of the
contestant (column 7, lines 12-45).

Response to Arguments

Applicant's arguments filed 07/07/03 have been fully considered but they are not
persuasive.

In response to applicant's argument that Schneier et al. fail to disclose the
"synchronizing" feature, examiner points out that Schneier et al. specifically teach this
features (See: column 32, line 41 – column 33, line 25; column 54, lines 44-49; and
discussion above).

Conclusion

The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at
telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Receptionist whose telephone number is
(703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
Supervisor, John Weiss, can be reached at (703) 308- 2702.

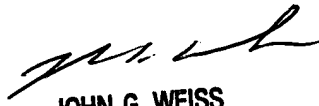Any response to this action should be mailed to:

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or faxed to: **(703) 872-9306**

[Official communications; including After Final communications labeled
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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal

Drive, Arlington, VA, 7th floor receptionist.

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